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7 Open Door Community Health Center

8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11

12 STEPHEN MITCHELL,
13 Plaintiff,

Case No. C 07 5112 EDL

14 v.

**STIPULATION TO EXTEND DATE
FOR INITIAL CASE MANAGEMENT
CONFERENCE AND OTHER
DEADLINES**

15 DR. HAROLD NEMETZ, OPEN DOOR
COMMUNITY HEALTH CENTER, U.S.
16 DEPARTMENT OF HEALTH &
HUMAN SERVICES and DOES 1-20
17 inclusive,

DEMAND FOR JURY TRIAL

18 Defendants.
19 _____/

20 Plaintiff Stephen Mitchell ("Plaintiff"), through counsel, and Defendants Dr.
21 Harold Nemetz and Open Door Community Health Center ("Defendants"), through
22 counsel, hereby stipulate to extend the Initial Case Management Conference and other
23 deadlines in this case.

24 This stipulation is due to Plaintiff's attorney Ferman W. Sims, having prior
25 commitments for medical services in San Diego, California due to a right hip fracture and
26 his subsequent hospitalization and further surgery in San Diego, including release from
27 the hospital with IV antibiotics required until January 17, 2008. It is anticipated that Mr.
28 Sims will return to Crescent City on or about January 21, 2008.

Further, because Defendants were acting within the scope of their employment at a federally funded health care center, or as a federally funded health care center at all times relevant to plaintiff's claims, pursuant to the Federally Supported Health Centers Act, 42 U.S.C. §233(g)-(n) all of the Defendants are covered under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§1346(b), 2401(b), 2671-80. Pursuant to that authority, and upon proper service to the United States Government, the United States Government will be substituted for the Defendants in this matter and the matter will proceed as an action solely against the United States of America pursuant to 28 U.S.C. §1346(b) subject to the limitations and exceptions applicable to those actions. 28 U.S.C. §2679(d)(4). Therefore, Plaintiff and Defendants expect the United States Attorneys office to appear on behalf of the United States Government in this matter and this stipulation is necessary to allow for this appearance and to allow the substitution of the United States Government in place of the Defendants.

Therefore, the parties hereby stipulate as follows:

1. The Initial Case Management Conference is continued from January 8, 2008, until Tuesday, March 4, 2008, 10:00 a.m.

2. The December 18, 2007 date for events contained in the Order Setting Initial Case Management Conference and ADR Deadlines is continued until February 12, 2008.

3. The January 2, 2008, date for events contained in the Order Setting Initial Case Management Conference and ADR Deadlines is continued until February 27, 2008.

Dated: December 19, 2007 FERNAN W. SIMS, ESQ.

By: /s/
Ferman W. Sims, Esq.
Attorney for Plaintiff Stephen Mitchell

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1 Dated: December ____, 2007

JANSSEN, MALLOY, NEEDHAM, MORRISON,
REINHOLTSSEN & CROWLEY, LLP

2
3 By: _____/s/_____

4 Frances K. Greenleaf
5 Michael Morrison
6 Attorneys for Dr. Harold Nemetz and
Open Door Community Health Center

7 IT IS SO ORDERED

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9 Dated: 12/19/07

10 ELIZABETH D. LAPORTE
United States Magistrate

